

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Public Hearing Scheduled for November 21, 2017

SUBJECT: Rezone a portion of Parcel 2587000 located in the S 1/2, Section 31,
Township 21 North, Range 3 East

PRESENTED BY: Alex Dachs, Senior Planner

GENERAL INFORMATION:

Applicant/Owner of Record: Ron Lipke / Painted Horse Stables

Property Location: Subject property is addressed as 675 Vaughn South Frontage Road
located in the S 1/2, in Section 31, T. 21N., R. 3E., P.M.M.,
Cascade County, MT.

Existing Zoning: "I-1" Light Industrial

Requested Action: Rezone a portion of the property from "I-1" Light Industrial to
"OS" Open Space District.Purpose: The applicant desires the rezoning to allow preservation of land
(floodplain) within the Open Space "OS" zoning district.

Existing Land Use: Agricultural

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Class</u>	<u>Existing Land Use</u>
North	Interstate 15/ Parcel # 2586900	SR-2	Undeveloped agricultural land
East	Parcel #2587060	I-1	Light Industrial
South	South Vaughn Frontage Rd/ Parcel # 2587100	SR-2	Vacant/agricultural property
West	Parcel #2587025/ 2586100 / 2586200	I-1	Light Industrial

SPECIAL INFORMATION

1. Ronald Lipke, Applicant and Painted Horse Stables LLC, owner have petitioned to
rezone .0764 acres of property, created by Painted Horse Stables Minor Subdivision,

from Light Industrial (I-1) to Open Space (OS) District as the parcel lies within the FEMA regulated 100 year floodplain.

2. The requested OS Open Space District zoning permits principal uses ranging from public and private park & recreation space to public utilities and agriculture or forestry, in this situation, the open space will be restricted to no development and will be owned by the owner of lot 3.
3. Section 10-14 of the Cascade County Subdivision Regulations states that “a parcel of land proposed for subdivision, which is determined to have any portion located in a regulated floodplain of a perennial stream as defined in the Cascade County Floodplain Regulations and/or identified as such by adopted Floodway and Flood Insurance Rate Maps (FIRM), shall not be subdivided for any non-agricultural or non-open space uses, structures, or activities.” The zone change, along with the proposed subdivision, will make the designated floodplain areas in this project consistent with this provision by creating a parcel designated as open space.
4. The intent of the rezoning is to designate an area on the property located within the regulated floodplain (based on the Flood Insurance Rate Map 30013C0320E) as Open Space “OS” zoning district, while maintaining the I-1, light industrial zoning district on the land suitable for development, thereby allowing the creation of three (3) light industrial lots.
5. Law enforcement activities are provided by the Cascade County Sheriff’s Department and fire protection support is provided by the Vaughn and Manchester Volunteer Fire Department.
6. **Notice of Public Hearing was mailed to surrounding property owners on November 13, 2017.**

ZONING ANALYSIS

Section 76-2-203 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with all zoning or rezoning proposals; the criteria are:

Criteria #1

Is made in accordance with the five listed goals in the growth policy;

The 2014 Cascade County Growth Policy contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

Goal 1: Sustain and strengthen the economic well being of Cascade County's citizens.

Objectives:

A. Stimulate the retention of existing businesses and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.

F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

I. Encourage the growth of the agricultural economy.

J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

The proposed zone change from Light Industrial (I-1) to Open-Space (OS) supports the goal of Cascade County to preserve natural floodplain areas. The zone change

supports an industrial use subdivision that will enhance economic opportunity by using an area for light industrial uses to expand and for the utilization of existing, available assets. The development of new business may bring more tax dollars to Cascade County. Retail spending at businesses within the County and in area communities will naturally increase as well. The proposed zone change creates no adverse impact on the agricultural economy, and it will create no adverse impacts on alternative energy development and production.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

- A.** Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.
- B.** Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.
- C.** Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.
- D.** Assure clean air, clean water, a healthful environment and good community appearance.
- E.** Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable energy production.
- F.** Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

The proposed zone change from light industrial to Open-Space will preserve, in perpetuity, the natural floodplain area and its existing natural scenic beauty. Additionally, the zone change to Open-Space supports existing agricultural operations in the area by preventing construction in the existing Sun River and adjacent floodplain. The prevention of development in the floodplain will ensure clean air, clean water, healthful environment and good community appearance. The property being considered for zone change has no forests for timber, no mining opportunity, and no oil/gas production; renewable energy production will not be adversely impacted. The zone change is not in an area which is undergoing superfund or brownfield redevelopment/cleanup.

Goal 3: Maintain Agricultural Economy

Objectives:

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development.
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

The proposed zone change will have no adverse impact on productive soil types associated with agricultural operations. The zone change to Open-Space protects soils against erosion and protects the floodplain from non-agricultural development. The zone change has no detrimental impact to the local, value-added agricultural industry.

Goal 4: Retain the presence of the US Military in Cascade County

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.
- B. Promote the location of additional military missions in Cascade County.
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

The proposed zone change has no adverse impact on the military presence in Cascade County; in fact, the proposed zone change is not relevant to this goal.

Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizen's independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

The zone change is not contrary to the preservation and promotion of the County's cultural heritage, natural resource development, and the preservation of archeological areas. The property considered for zone change does not have extreme fire hazard areas at the wild land/urban interface, and the zone change is not contrary to educational programs and facilities, recreational opportunities and spaces, and health services for County residents.

Criteria #2

Whether the zoning regulations have been designed to secure safety from fire and other dangers.

The zone change will prevent building within the 100-year floodplain, providing protection from flooding.

Criteria #3

Whether the zoning regulations have been designed to promote public health, public safety, and general welfare.

The zone change will provide protection from flooding.

Criteria #4

Whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

Not applicable. The rezone will prevent these services from being located in the FEMA regulated floodplain.

Criteria #5

Whether the zoning regulations have been designed to provide adequate light and air.

Staff does not feel the proposed zone change will have an effect on light and air, as the parcel will be zoned to open space and will not impact Cascade County's light and clean air.

Criteria #6

Whether the zoning regulation have been designed to address effects on motorized and non-motorized transportation systems.

Staff does not feel the proposed zone change will have an effect on motorized and non-motorized transportation systems. There are no new parcels being created or structures as part of the rezone to Open Space.

Criteria #7

Whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.

The proposed zone change will remain compatible with the growth in the vicinity of cities and towns as this will protect the floodplain from industrial developments and prevent contamination of the floodplain.

Criteria #8

Whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.

The proposed zone change is minimal and only effects one parcel, which lies within the 100 year floodplain of the Missouri River, and will prohibit development within the floodplain.

Criteria #9

Whether the zoning regulations have been made with a view to conserving the value of buildings.

The value of buildings will be conserved as no structures will be built on the parcel zoned open space. This will mean that no structures will be inundated with

floodwaters, which should conserve building values.

Criteria #10

Whether the zoning regulations have been made with a view to encouraging the most appropriate use of land throughout the jurisdictional area.

Staff feels that the proposed zone change to Open Space will encourage the most appropriate use of land throughout the area, as the Open Space parcel will not encourage development within the floodplain.

Criteria #11

Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

The rezone is compatible with the zoning ordinances of Great Falls as Cascade County used the City of Great Falls regulations to model the regulations.

CONCLUSION

The Cascade County Zoning Regulations state an open space district is a zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and minor utility installations. Open space districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards. Staff finds the applicant's request to rezone a portion of the subject parcel to an open space district reasonable. The zone change request is consistent with the Cascade County Floodplain Regulations and Section 10-14 of the Cascade County Subdivision Regulations (Floodplain Provisions). Designating the areas in the floodplain as open space will serve to reflect the fact that portions of the property are not suitable for development.

RECOMMENDATIONS

Two recommendations have been provided for your consideration:

Recommendation One:

"I move the Planning Board's recommendation to the County Commission after consideration of the staff report that the zone change request of Painted Horse Stables, LLC, to rezone a portion of parcel #2587000, located in the S ½ of Section 31, T. 21N., R. 3E., P.M.M., Cascade County, MT. from "I-1" Light Industrial to "OS" Open Space District, be **denied.**"

OR:

Recommendation Two:

“I move the Planning Board recommend to the County Commission that after consideration of the staff report that the zone change request of Painted Horse Stables, LLC, to rezone a portion of parcel #2587000, located in the S ½ of Section 31, T. 21N., R. 3E., P.M.M., Cascade County, MT. from “I-1” Light Industrial to “OS” Open Space District, be **approved.**”

Attachments: FEMA map panel showing floodplain
Vicinity map
Zoning Map